

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

BASEM M. HUSSEIN, M.D.,

Plaintiff -
Counter-Defendant -
Appellant,

v.

CURTIS HOLMES, an individual;
SCOTT STREET, an individual,

Defendants - Appellees,

DUNCAN REGIONAL HOSPITAL,
INC, d/b/a Duncan Regional Hospital;
NOVUS MEDICAL, LLC,

Defendants -
Counter-Claimants -
Appellees.

No. 07-6283
(D.C. No. 5:07-CV-00439-SPF)

ORDER

Filed December 12, 2007

Before **LUCERO, HARTZ**, and **O'BRIEN**, Circuit Judges.

This court lacks jurisdiction over this appeal because the order being appealed is not final or otherwise immediately appealable.

The plaintiff appeals an order of the district court granting in part a motion to dismiss filed by one of the defendants.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)).

Accordingly, this appeal is **DISMISSED**.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney